

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOANN PAIGE

PLAINTIFF

V.

CIVIL ACTION NO. 3:14cv142-CWR-FKB

OFFICE OF DISABILITY ADJUDICATION AND REVIEW  
MCCOY FEDERAL BUILDING

DEFENDANT

**REPORT AND RECOMMENDATION**

This cause comes on this date on the *sua sponte* motion of the Court to dismiss this cause of action because of Plaintiff's failure to prosecute her claims. *Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1407 (5th Cir. 1993)(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962) (a district court has inherent power to dismiss a case *sua sponte* for failure to prosecute despite language of Fed. R. Civ. P. 41(b) requiring a motion by defendant)). Plaintiff failed to properly serve process, in accordance with Fed. R. Civ. P. 4(i) regarding service on the United States, within 120 days of filing the complaint as required by Fed. R. Civ. P. 4(m). Plaintiff also failed to respond to an Order to Show Cause entered by this Court on March 24, 2015, and which required a response by April 7, 2015. *See* Order at Docket No. 6. By failing to respond to this Order and failing to properly and timely serve process, Plaintiff has failed to prosecute this case. For these reasons, the undersigned recommends that Plaintiff's claims be dismissed without prejudice for failure to prosecute and failure to properly serve process. Fed. R. Civ. P. 4; Fed. R. Civ. P. 41(b).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and

legal conclusions accepted by the district court. 28 U.S.C. §636.

Respectfully submitted, this the 4<sup>th</sup> day of May, 2015.

/s/ F. Keith Ball  
UNITED STATES MAGISTRATE JUDGE